

Message

From: Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]
Sent: 3/24/2019 12:26:11 PM
To: Payne, James [payne.james@epa.gov]
Subject: Re: Latest Draft Order, SOW and Declaration

Can u send me the attachments?

Sent from my iPhone

On Mar 23, 2019, at 11:59 PM, Payne, James <payne.james@epa.gov> wrote:

Nicely done and congratulations to the team!

Sent from my iPhone

On Mar 23, 2019, at 8:38 PM, Adams, Adam <Adams.Adam@epa.gov> wrote:

Hard copy issued to ITC at approx 8:30 pm 3/23/19.

Sent from my iPhone

On Mar 23, 2019, at 7:14 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi All,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

<ITC Deer Park 311c Order 6th draft 3-23-19.doc>

<ITC Deer Park SOW 2nd Draft 3-23-19 RDC Comments.docx>

<ITC Deer Park Adam Adams Declaration 5th draft 3-23-19.doc>

Message

Sent: 4/10/2019 4:16:44 PM
To: Peycke, Mark [Peycke.Mark@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]; Webster, Susan [webster.susan@epa.gov]
Subject: FW: ITC - Latest SOW
Attachments: ITC CERCLA Statement of Work MP-RC-TM comments 4-7-19 BB 040919.docx

Hi All,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: aileen.hooks@bakerbotts.com <aileen.hooks@bakerbotts.com>
Sent: Tuesday, April 09, 2019 9:21 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: molly.cagle@bakerbotts.com; Scott.Janoe@BakerBotts.com; matthew.kuryla@bakerbotts.com; MGaudet@iterm.com
Subject: RE: ITC - Latest SOW

Ed,

Attached are a few suggested changes to the draft SOW you sent yesterday (I accepted the changes in the draft you sent so this shows only the changes I've made.)

Also, as requested, below is suggested alternative language for identification of hazardous substances for jurisdictional purposes for use in paragraph 10 of the draft AOC instead of the current sentence referring to sample analyses:

"The discharge included xylene, which is a hazardous substance, and refined petroleum products."

Please let me know if you would like to discuss either the SOW or the AOC language proposal.

These draft AOC and SOW remain subject to further review and comment by our client.

Best regards,

Aileen

From: Quinones, Edwin <quinones.edwin@epa.gov>
Sent: Monday, April 8, 2019 12:07 PM
To: Hooks, Aileen <aileen.hooks@bakerbotts.com>; Cagle, Molly <molly.cagle@bakerbotts.com>; Janoe, Scott <Scott.Janoe@BakerBotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; MGaudet@iterm.com
Subject: ITC - Latest SOW

Hi Aileen,

Based on our discussion, I'm sending you the latest draft SOW. Changes made from the one I sent on Saturday include language added (and deleted) in Items 6 and 7. Although I've shared this with EPA management, they have not yet approved it. I also haven't shared it yet with TCEQ counsel, but I'll send them a copy shortly.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: quinones.edwin@epa.gov [quinones.edwin@epa.gov]
Sent: 4/9/2019 2:38:56 AM
To: Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]
Subject: Fwd: WWTS Plan For Managing Incident Wastewater - ITC
Attachments: Treatability Study.pdf; ATT00001.htm; Plan for Managing Incident Wastewater On-Site.pdf; ATT00002.htm

Attorney Client / Ex. 5

Ed

Sent from my iPhone

Begin forwarded message:

From: <aileen.hooks@bakerbotts.com>
Date: April 8, 2019 at 7:36:55 PM CDT
To: <quinones.edwin@epa.gov>
Cc: <molly.cagle@bakerbotts.com>
Subject: FW: WWTS Plan For Managing Incident Wastewater - ITC

Ed,

Can we just ask for the FOCS to sign off on, or agree that it does not object to (or similar wording), this plan provided ITC complies with state water quality standards/conditions imposed by TCEQ? Not asking FOCS to "authorize" the operation of the WWTP/discharge without a permit – the statute and regulation do that.

Call if you'd like to discuss.

If this approach would work, I will confirm with TCEQ legal as well.

Thanks,

Aileen

From: Brent Weber <bweber@iterm.com>
Sent: Sunday, April 7, 2019 1:02 PM
To: spill12 <spill12@tceq.texas.gov>; kelly.cook@tceq.texas.gov
Cc: Nicole Bealle <Nicole.Bealle@tceq.texas.gov>; Travis Lay <Travis.Lay@Tceq.Texas.Gov>; martin.john@epa.gov; daniel.tighe@westonsolutions.com; david.galindo@tceq.texas.gov; bob.patton@tceq.texas.gov; tmitchel@tceq.texas.gov; Hooks, Aileen <aileen.hooks@bakerbotts.com>; Cagle, Molly <molly.cagle@bakerbotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; Reback, Harrison <harrison.reback@bakerbotts.com>
Subject: WWTS Plan For Managing Incident Wastewater - ITC

Please find attached the Plan for Managing Incident Wastewater On-Site and accompanying Treatability Study. Please review and advise. In addition, please send what you believe is the appropriate sampling and monitoring protocol as soon as possible.

Brent J. Weber
Intercontinental Terminals Company LLC
Senior Vice President, Sales and Marketing
Office: 281-884-0277
Cell: 225-806-5136
Bweber@iterm.com

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

From: quinones.edwin@epa.gov [quinones.edwin@epa.gov]
Sent: 4/2/2019 7:19:58 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Petersen, Chris [petersen.chris@epa.gov]; Smith, Monica [smith.monica@epa.gov]
Subject: Fwd: 311 SOW marked up
Attachments: redline.docx; ATT00001.htm

Hi Adam,

Attorney Client / Ex. 5

Ed Q

Sent from my iPhone

Begin forwarded message:

From: <molly.cagle@bakerbotts.com>
Date: April 2, 2019 at 1:25:34 PM CDT
To: <quinones.edwin@epa.gov>
Cc: <MGaudet@iterm.com>, <matthew.kuryla@bakerbotts.com>, <aileen.hooks@bakerbotts.com>
Subject: 311 SOW marked up

Confidential settlement discussions

Ed,

I have not had a chance to review the attached with client. We will absolutely must do that before this can be considered a proposal. But, here's a mark-up of the 311 SOW to start our discussions about a SOW attached to a time critical CERCLA Order that would revoke the 311 Order..

Best,
Molly

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

Message

Sent: 4/4/2019 7:28:03 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

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The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>

Message

Sent: 4/4/2019 3:42:09 PM
To: Adams, Adam [Adams.Adam@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi Adam,

When you have time, could you send me your comments and edits to the SOW? I'll then forward to ITC's counsel.

Thanks

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 2:02 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:50 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:46 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 1:43 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi Adam,

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Wednesday, April 03, 2019 1:06 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 3, 2019, at 12:53 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI – Just passing this one along. Apparently it's from Mike Gaudet with ITC.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Mike Gaudet <MGaudet@iterm.com>
Sent: Wednesday, April 03, 2019 11:59 AM
To: molly.cagle@bakerbotts.com; Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;

Scott.Janoe@BakerBotts.com

Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

See attached

From: molly.cagle@bakerbotts.com
[mailto:molly.cagle@bakerbotts.com]

Sent: Wednesday, April 03, 2019 10:26 AM

To: quinones.edwin@epa.gov

Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; Mike Gaudet

Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and
2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed
Revisions

Ed,

Here is a draft Statement of Work, and like your draft
AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

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<2019.04.02 - CERCLA Statement of Work ITC Draft.docx>

Message

Sent: 4/2/2019 8:35:51 PM
To: Vaughn, Lorena [Vaughn.Lorena@epa.gov]; Smith, Monica [smith.monica@epa.gov]
CC: Harrison, Ben [Harrison.Ben@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]
Subject: RE: Intercontinental Terminals Company, LLC

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

-----Original Message-----

From: Vaughn, Lorena
Sent: Tuesday, April 02, 2019 3:34 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>; Smith, Monica <smith.monica@epa.gov>
Cc: Harrison, Ben <Harrison.Ben@epa.gov>
Subject: RE: Intercontinental Terminals Company, LLC

Attorney Client / Ex. 5

-----Original Message-----

From: Quinones, Edwin
Sent: Tuesday, April 02, 2019 3:33 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Smith, Monica <smith.monica@epa.gov>
Subject: RE: Intercontinental Terminals Company, LLC

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

-----Original Message-----

From: Vaughn, Lorena
Sent: Tuesday, April 02, 2019 3:29 PM
To: Smith, Monica <smith.monica@epa.gov>
Cc: Quinones, Edwin <quinones.edwin@epa.gov>
Subject: Intercontinental Terminals Company, LLC

Did you all ever get a docket number for it?

-----Original Message-----

From: 13_I04_Ricoh@epa.gov <13_I04_Ricoh@epa.gov>
Sent: Tuesday, April 02, 2019 3:54 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: Message from "RNP002673A3A1CB"

This E-mail was sent from "RNP002673A3A1CB" (MP C3003).

Scan Date: 04.02.2019 15:53:37 (-0500)
Queries to: 13_I04_Ricoh@epa.gov

Message

From: Harrison, Ben [Harrison.Ben@epa.gov]
Sent: 3/23/2019 8:19:59 PM
To: Payne, James [payne.james@epa.gov]
CC: Quinones, Edwin [quinones.edwin@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]
Subject: Re: ITC/Houston chemical fire

Attorney Client / Ex. 5

Ben Harrison
Deputy Regional Counsel

On Mar 23, 2019, at 3:19 PM, Payne, James <payne.james@epa.gov> wrote:

Attorney Client / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: payne.james@epa.gov
Date: March 23, 2019 at 3:17:59 PM CDT
To: margaret.ligarde@tceq.texas.gov
Cc: robert.martinez@tceq.texas.gov, Harrison.Ben@epa.gov
Subject: ITC/Houston chemical fire

Hi Margi,

Ben and I are providing legal support for the emergency response to the ITC/Houston chemical fire, including preparation of an order planned for issuance today. I'd welcome connecting, or being referred to someone you'd suggest.

And FYI, Ed Quinones is the EPA attorney providing legal support for the response. He's at edwin.quinones@epa.gov, 214-535-9661 cell.

Jim Payne
Regional Counsel
USEPA Region 6
214-490-6707 cell

Margi cell
512-660-4862

Ben cell
214-212-1839

Sent from my iPhone

Message

From: Payne, James [payne.james@epa.gov]
Sent: 3/23/2019 8:19:30 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: Harrison, Ben [Harrison.Ben@epa.gov]; Peycke, Mark [Peycke.Mark@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]
Subject: Fwd: ITC/Houston chemical fire

Attorney Client / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: payne.james@epa.gov
Date: March 23, 2019 at 3:17:59 PM CDT
To: margaret.ligarde@tceq.texas.gov
Cc: robert.martinez@tceq.texas.gov, Harrison.Ben@epa.gov
Subject: ITC/Houston chemical fire

Hi Margi,

Ben and I are providing legal support for the emergency response to the ITC/Houston chemical fire, including preparation of an order planned for issuance today. I'd welcome connecting, or being referred to someone you'd suggest.

And FYI, Ed Quinones is the EPA attorney providing legal support for the response. He's at edwin.quinones@epa.gov, 214-535-9661 cell.

Jim Payne
Regional Counsel
USEPA Region 6
214-490-6707 cell

Margi cell
512-660-4862

Ben cell
214-212-1839

Sent from my iPhone

Message

From: Crossland, Ronnie [Crossland.Ronnie@epa.gov]
Sent: 3/23/2019 4:01:58 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Material for Possible ITC Order
Attachments: 2019_03_22_18_28_11_R_05.jpg; IMG_1202.JPG

Ed,



Attorney Client / Ex. 5

Thanks
Ronnie

From: Thomas, Mark J.
Sent: Friday, March 22, 2019 2:21 PM
To: Adams, Adam <Adams.Adam@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Rauscher, Jon <Rauscher.Jon@epa.gov>; Turner, Philip <Turner.Philip@epa.gov>; Fisher, Kelsey <fisher.kelsey@epa.gov>; Patel, Anish <patel.anish@epa.gov>; Rouse, Philip <rouse.philip@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Mason, Steve <mason.steve@epa.gov>; David Cook <david.cook@westonsolutions.com>; Janine.Latham@WestonSolutions.com; b.latham@westonsolutions.com; Mason, Steve <mason.steve@epa.gov>; Loesel, Matthew <loesel.matthew@epa.gov>; Daniel Tighe <Daniel.Tighe@WestonSolutions.com>; Delgado, Eric <Delgado.Eric@epa.gov>; robert.kroutil@kalmancoinc.com; Cardarelli, John <Cardarelli.John@epa.gov>; Curry, Tim <Curry.Timothy@epa.gov>; Turville, Rick <Rick.Turville@kalmancoinc.com>
Subject: ASPECT update 15 -- 22 March 2019 -- 1416

Team,

Please find two images attached. Image 1202 is an oblique of the confluence of the creek with the channel. Image ...R_05 is an IR image of the channel. Note that the IR is showing heat so the white foam is cooler than the dark oil which is hotter.

Mark Thomas, PHD
ASPECT Program Manager
CBRN Consequence Management Advisory Team
EPA Office of Emergency Management
11201 Renner Road
Lenexa, KS 66219

Office: 913-551-5018
Cell: 513-675-4753

Message

From: Peycke, Mark [Peycke.Mark@epa.gov]
Sent: 4/7/2019 12:40:43 AM
To: Quinones, Edwin [quinones.edwin@epa.gov]
Subject: Re: ITC Removal AOC 8th Draft WWMD Plan 040619 bb ah rev.doc

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 6, 2019, at 6:33 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Saturday, April 06, 2019 6:33 PM
To: 'aileen.hooks@bakerbotts.com' <aileen.hooks@bakerbotts.com>
Cc: molly.cagle@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: ITC Removal AOC 8th Draft WWMD Plan 040619 bb ah rev.doc

Hi All,

The redline changes are fine with me, but I'm waiting to hear back from the SF Program client of any issues.

In the meantime, the Prevention and Response Branch Chief has concerns with the permit waiver language in Item 7 of the draft SOW. He reiterated the same concerns TCEQ reiterated concerning "on-site" and site definition and boundaries. I've attempted to clarify this with new language in Item 7 limiting the management and treatment within ITC's facility boundaries. Although I have not yet receive approval from EPA management, I thought it best to share this now to continue our expedited negotiations under this ER.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: aileen.hooks@bakerbotts.com <aileen.hooks@bakerbotts.com>
Sent: Saturday, April 06, 2019 4:54 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: molly.cagle@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@lterm.com
Subject: ITC Removal AOC 8th Draft WWMD Plan 040619 bb ah rev.doc

Ed,

The attached includes our comments to the AOC draft you sent yesterday. Our comments are in track changes – we accepted the changes you had made so that this would show just our comments. Let us know if you'd like to discuss.

I highlighted the few places where there is information needed from one of the parties.

Thank you,

Aileen

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<ITC CERCLA Statement of Work RC comments 4-6-19.docx>

Message

From: Quinones, Edwin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=78366B94C0804D00BD9F0A6FF492613B-QUINONES, ED]
Sent: 4/17/2019 3:15:46 AM
To: Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]
Subject: FW: EPA Request For Discharge Authorization 041619.docx
Attachments: EPA Request For Discharge Authorization 041619.docx

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: aileen.hooks@bakerbotts.com <aileen.hooks@bakerbotts.com>
Sent: Tuesday, April 16, 2019 5:15 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: molly.cagle@bakerbotts.com; MGaudet@iterm.com
Subject: EPA Request For Discharge Authorization 041619.docx

Ed,

Following up on our discussion, attached is a revised request on the one-time authorization request. ITC will want to see Exhibit 1 and attach it before signing and submitting.

Please confirm this document will work.

Best regards,

Aileen

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Message

From: Quinones, Edwin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=78366B94C0804D00BD9F0A6FF492613B-QUINONES, ED]
Sent: 4/5/2019 2:02:50 PM
To: Smith, Monica [smith.monica@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Smith, Monica
Sent: Friday, April 05, 2019 9:01 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Mason, Steve <mason.steve@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Monica Smith
Chief,
Planning, Prevention, Readiness & Response Section (6SF-EA)
214-665-6780 office
469-766-3398 cell
smith.monica@epa.gov

From: Smith, Monica
Sent: Friday, April 5, 2019 5:52 AM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Quinones, Edwin <quinones.edwin@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 5:43 PM, Crossland, Ronnie <Crossland.Ronnie@epa.gov> wrote:

Attorney Client / Ex. 5

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 5:07 PM
To: Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Crossland, Ronnie
Sent: Thursday, April 04, 2019 5:05 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Attorney Client / Ex. 5

Ronnie

From: Quinones, Edwin
Sent: Thursday, April 4, 2019 1:45 PM
To: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Cc: Adams, Adam <Adams.Adam@epa.gov>
Subject: FW: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

FYI

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
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Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

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<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>